REMARKS

Summary

Claims 1-27 were pending. Claims 1-9 were rejected, and Claims 17-27 were subject to a restriction requirement. Claims 10-16 had been previously allowed. In response to the restriction requirement, species A, corresponding to Claims 1-16, has been elected, with traverse; accordingly Claims 17-27 have been withdrawn. Claims 1, 3-4, 7 and 9 have been amended. No new matter has been introduced. Claims 1-16 are pending after entry of this amendment. The Applicants have carefully considered the references and reasons advanced by the Examiner and respectfully traverse the rejections in view of the amendments and the discussion presented below.

Claim Rejections

35 U.S.C. §112, second paragraph

Claims 1-9 were rejected under 35 U.S.C. §112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Although the Applicants continue to maintain that the meaning of "inclination angle is maximum" is clear and unambiguous when the claim language is read in view of the specification, Claim 1 has been amended in order to expedite consideration of the application.

For clarity, the discussion of the amendment to Claim 1 is deferred until the later in the remarks.

The Applicants respectfully submit that the amendments obviate the rejections of Claims 1-9, and request that the rejections be withdrawn.

35 U.S.C. § 102 (b)

Claims 1-6, and 8 were rejected under 35 U.S.C. § 102 (b) as being anticipated by the Prior Art (Fig. 15-16) recited in the application. The amendments to Claim 1, overcoming the rejection under 35 U.S.C. §112, ¶ 2 also serve to distinguish over the cited Prior Art.

Claim 1 recites, *inter alia,* each of the concave portions is a non-spherical concave surface, being formed such that an inclination angle of the concave portion at a periphery thereof has a maximum value, <u>said maximum value of the inclination angle being that of at least a first point along the periphery having a larger inclination angle than the inclination angle of a second point along the periphery;</u>

the periphery being formed by an intersection of the concave surface and the surface of the base material and having a curvilinear form; and

wherein the inclination of the concave portion is measured as an absolute value of an angle with respect to the surface of the base layer of a plane tangent to the concave portion.

The maximum value of the inclination angle along the periphery of the curved surface has been clearly defined, as has the periphery of the surface, in a manner which clearly distinguishes the arrangement of Claim 1 from the Prior Art.

Figs. 15-16 illustrate the situation which obtains when the curved portions are portions of a single sphere (page 3, lines 2-3). The periphery of the intersection of this surface with the surface of the base layer has a circular shape (page 3, lines 8-9). From geometrical considerations, the curved surface is rotationally symmetrical about an axis perpendicular to the base layer, and the inclination angle of the curved surface at its periphery is a constant. Thus it does not have "a first point along the periphery having a larger inclination angle than the inclination angle of a second point along the periphery." Amended Claim 1

does not read on the Prior Art and is not anticipated. In addition, as recited in Claim 1, the surface of the concave portion is "non-spherical" as distinguished from the Prior Art of Figs. 15-16.

Claims 1, and 7- 9 were rejected under 35 U.S.C. 102 (e) as being anticipated by Akins et al. (US 6,285,542 ; "Akins").

Similarly, the definition of periphery and the maximum inclination angle of amended Claim 1, cited above, describes a different structure than taught by the reference. Akins teaches a two dimensional curved surface (Fig 6., Akins) which is translated parallel to the surface of the base layer to form a groove. The intersection of this structure with the base layer can be seen as the uppermost linear edge of each groove in Fig. 5 (Atkins). Hence, the intersection of the concave portions in Akins with the base layer does not create a periphery having a curvilinear form, and there cannot be a maximum inclination angle with reference to a periphery. Amended Claim 1 is therefore distinguished from the reference, and is thus not anticipated thereby.

Claims 2-9 are dependent on and further limit now allowable Claim 1, and are, without more, also allowable.

Traverse of Restriction Requirement

The Applicants have selected species A, as defined by the Examiner, with traverse. The Applicants respectfully submit that Claim 1 is the required generic claim.

Comments on Examiner's Response to Arguments

The Applicants submit that more than the arguments mentioned by the Examiner were offered, however, the Examiner's view as to the description of the maximum inclination angle as stated in the claims as previously presented obviated the Applicants arguments. To overcome this situation, the Applicants

have considered the Examiner's remarks in this response and submit that the amended claims and the arguments above have placed the claims in a condition for allowance.

With respect to moiré patterns, which an aspect of the present invention suppresses, the Applicants reiterate their contention that this advantage is not found in the reference, as the linear structures are known to result in moiré patterns, whereas the structures of the arrangement of Claim 1 mitigate this situation.
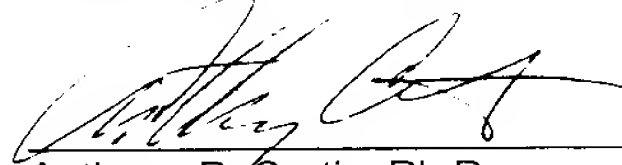
Conclusion

Claims 1-27 were pending. Claims 1, 3-4, 7 and 9 have been amended. Claims 17-27 have been withdrawn. Claims 10-16 had been previously allowed. Claims 1-16 are pending.

For at least the reasons given above, the Applicants respectfully submit that the pending claims are allowable.

09/896,165

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

Anthony P. Curtis, Ph.D.
Registration No. 46,193
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

11